

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

SABINA LUNA VALDEZ,
Petitioner,

VS.

JOE KEFFER, Warden,
FMC-Carswell,
Respondent.¹

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CIVIL ACTION NO.4:12-CV-635-Y

ORDER ADOPTING
MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS
(With special instructions to the clerk of Court)

In this action brought by petitioner Sabina Luna Valdez under 28 U.S.C. § 2241, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on December 31, 2012; and
3. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on January 17, 2013.

The Court, after **de novo** review, concludes that the Petitioner's objections must be overruled, that respondents Eric Holder and the Bureau of Prisons should be dismissed, and that the petition for writ of habeas corpus under 28 U.S.C. § 2241 should be denied, in part, and dismissed in part, for the reasons stated in the magistrate judge's findings and conclusions.

Therefore, the findings, conclusions, and recommendation of the magistrate judge are ADOPTED.

¹Although the petition names as respondents Eric Holder and the Bureau of Prisons in addition to Warden Joe Keffer, as the Court adopts the magistrate judge's recommendation that Petitioner's immediate custodian, Joe Keffer, is the only proper respondent in a proceeding under 28 U.S.C. § 2241, the clerk of Court is directed to note on the docket that Joe Keffer is the respondent and Holder and the BOP are dismissed.

Sabina Luna Valdez's petition for writ of habeas corpus ground that she is entitled to sentence credit is DENIED; and the petition for writ of habeas corpus ground that she is entitled to a reduction in her sentence because of the application of the United States Sentencing Guidelines is DISMISSED for lack of jurisdiction.

SIGNED January 23, 2013.


TERRY R. MEANS
UNITED STATES DISTRICT JUDGE